MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2017/2018

UCR2612 – CRIMINAL LAW I

(All Sections / Groups)

27 OCTOBER 2017
Reading Time : 3.00 p.m. – 3.15 p.m.
(15 Minutes)
Answering Time: 3.15 p.m. – 6.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions in TWO Parts.

3. Attempt **FOUR** out of FIVE questions. You are required to choose **ONE** question in **PART A** whereas in **PART B** all questions are **COMPULSORY** to be answered. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of Penal Code (Act 574). Students are not allowed to lend or borrow the statute during the Examination.

5. Please write all your answers in the Answer Booklet provided.

PART A (CHOOSE ONE OUT OF TWO QUESTIONS)

Question 1

Mike, John and Bill were good friends. One day, John asked his friends to follow him to find Ben. They went to a factory where they found Ben. Ben later was brought by Mike and Bill to the factory's store. John then hit Ben using his fist. Ben tried to escape but Mike and Bill pushed him to the ground and both of them kicked him on his chest and stomach. John then pulled off Ben's shirt and smacked Ben's head down which caused him to fall and lean against the wall. John continued to kick Ben at his head until Ben became unconscious. The three of them then ran way and Ben was brought to hospital by his factory colleagues. Due to congestion in the emergency department of the hospital that day, Ben's operation to remove the blood clot in his brain was delayed. Ben suffered respiratory distress which caused him to stop breathing and eventually die. The post-mortem report revealed that there were injuries on his chest and abdomen, but that the cause of Ben's death was due to severe head injury. Mike, John and Bill then were arrested for Ben's death.

Based on the above:

a) Whether John is liable for the murder of Ben as he claimed that Ben's death was due the fault of the hospital.

(20 marks)

b) Whether Mike and Bill can be charged of any offence, as they claimed that they had accidentally kicked Ben during the incident.

(20 marks)

(Total 40 marks)

Continued .....

Question 2

Kevin and Britney were lovers and they had gone for a vacation and stayed together in a hotel room. The next day, Abu, the hotel's staff, heard a woman screaming and when Abu checked, he noticed a puddle of red liquid outside Kevin's room. Abu knocked on the door and asked about the puddle but Kevin refused to open the door and he chased Abu away. Curious as to what happened, Abu immediately called the police. The police officers had asked Kevin to open the door but there was no reply. The police officers decided to break open the door. Upon gaining entry to the room, Abu and the police officers discovered the room in a total mess and Kevin sitting beside Britney who had already died. Britney's hands and legs were tied and there were injuries on her head. Kevin was immediately arrested. The cause of death as found by the pathologist was major blood loss due to head injury. Besides that, there were also other multiple injuries which were not fatal on her body. However, the pathologist said that the chances of survival were high if Britney was brought to the hospital earlier. The chemist who had conducted the toxicology test on Britney's urine and blood confirmed them to contain drugs namely methamphetamine. The same drugs contained in Kevin's urine and blood as tested by the chemist. Kevin claims that, he and Britney had a few drinks and were taking drugs before they start to quarrel which ended with them throwing things at each other. He said the quarrel was due to the fact that Britney had belittled him to be "useless weak brat" as he failed to erect when they were about to have sexual intercourse. Kevin claimed that he tied Britney as he was afraid she would throw things at him and that most of the time he had to defend himself against her. He was then charged for murder but his counsel applied to the prosecution for his charge to be reduced.

Based on the above:

a) Whether Kevin maybe liable for an offence lower than murder.

(25 marks)

b) Whether Kevin may rely on any general defences under the Penal Code.

(15 marks)

(Total 40 marks)

Continued .....

PART B (ALL QUESTIONS ARE COMPULSORY TO BE ANSWERED)

Question 3

The Penal Code of Malaysia does excuse offenders, when they have mistakenly committed a crime. Discuss when the defence of mistake could justify the wrongful acts of the offenders.

(Total 20 marks)

Question 4

Carl has been arrested by the police for causing the death of his son, Adam, a 9 month old baby. According to Ana, the deceased's mother, she saw exactly how Carl had killed her son. Carl was holding the baby on his right hand while climbing a ladder to fix their lamp. Suddenly Carl missed his step and the baby fell to the ground. Before the incident happened, Ana had prohibited Carl from holding the baby, as he was in the state of vertigo due to his illness. However, Carl insisted on holding Adam. The post mortem report revealed that the cause of death was due to severe injury on the head. Carl explained that the tragedy was an accident.

Determine whether Carl is liable for causing the death of Adam and whether he may rely on the defence of accident.

(Total 20 marks)

Question 5

Discuss the doctrine of transferred malice or transferred intention by referring to case law.

(Total 20 marks)

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